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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,576	07/19/2006	Torbjorn Sjodin	15071035	5103

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EXAMINER

LEWIN, ALLANA

ART UNIT PAPER NUMBER

3764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/566,576

Applicant(s)

SJODIN, TORBJORN

Examiner

Allana Lewin

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunston (US Pat. No. 4,060,240) in view of Trent (US Pat. No. 4,245,839) and further in view of Shifferaw (US Pat. No. 6,921,354).

Dunston substantially discloses the claimed invention comprising a first strap (26), loops (22, 24) attached to the strap, and an anchorage means (12, 16, 18, 20) that is intended to be fixed to a base (note Figure 4), with the anchorage means being designed to receive the strap (note Figures 1 and 4) in such a way that the strap is displaceable in its longitudinal direction relative to the anchorage means due to the pulley (20).

Dunston fails to disclose at least one loop having a length/circumference in the interval of 110-180cm, or tubular handles mounted on the loops.

Trent discloses an analogous device to Dunston and teaches the use of an enlarged loop (16) that is placed around the user's torso and enables the device to resist movement while the user exercises by running in place (column 4, lines 6-11). Trent does not specifically disclose the length or circumference of the loop, however as best understood it would appear that the loop taught by Trent falls within Applicant's

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claimed range since the loop must comfortably encircle the user's torso and is also shown having sufficient slack and space there between (note Figures 1 and 3).

Additionally, Trent teaches the loop being adjustable via a block or buckle member (35) thereby enable the loop to be sized as desired.

Additionally, Shifferaw discloses a device analogous to both Dunston and Trent and teaches a first strap (12), loops (16) attached to the strap, anchorage means (14) and tubular handles (13) that are mounted on the loops and are provided with foam or other suitable padding (column 1, lines 62-64). Shifferaw does not specifically disclose the handles being displaceable relative to the loops, however due to their construction and configuration with the loops it is inherently understood that the handles are displaceable relative to the loops in order to enable and facilitate adjustment of the loops via the buckles (17) without causing the handles to be off-center or uneven.

Therefore, based on the teachings of Trent, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized at least one loop having a length or circumference in the interval of 110-180cm with the Dunston device in order to enable the loop to encircle the user's waist thereby allowing the user to utilize the device while running in place as taught by Trent. Furthermore, based on the teachings of Shifferaw, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized tubular and displaceable handles on the loops of the Dunston device in order to provide a more comfortable and secure grip.

Regarding claim 2, as best understood, the loops constitute second straps of larger width than the internal diameter of the tubular handles.

Regarding claims 3 and 9, as best understood, Dunston discloses the anchorage means comprising a 'sheet-shaped carrier' (12), a loop or 'pocket' integrated with the carrier (note Figure 1) that encloses/mounts a piece of tubing (14) which comprehends Applicant's 'rod shaped element'.

Regarding claims 4 and 10, as broadly recited, Dunston discloses at least one loop element connected to the strap via connector means (30) that serves to fasten loop and strap together (note Figure 1), as well as enables the length of the strap to be adjusted (column 4, lines 34-39) and therefore comprehends Applicant's recitation of the loop being connected to the strap by 'means of a buckle'.

3. Claims 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunston, Trent and Shifferaw as applied to claims 1-4 above, and further in view of Braathen (US Pat. No. 5,133,700).

Dunston modified supra fails to disclose an anti-slip mat.

Braathen discloses an exercise device analogous to Dunston and teaches the use of a mat (1) for the user to stand on when exercising (note Figure 3), with the mat having an underlying rubber mat portion (1b) which Braathen teaches provides non-slip contact on the underlying floor, thereby comprehending Applicant's 'anti-slip mat'.

Braathen teaches that various exercises can be performed with the mat, particularly in combination with an exerciser (column 2, lines 26-31).

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Therefore, based on the teachings of Braathen, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized an anti-slip mat with the Dunston device in order to provide a suitable surface upon which the user can exercise and enable the user to perform various exercises.

4. Claims 6-8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunston, Trent, Shifferaw and Braathen as applied to claims 1-5 above, and further in view of Linden (US Pat. No. 4,738,444).

Dunston modified supra fails to disclose the anchorage means comprising a shackle.

Linden discloses an analogous device and teaches the use of a shock absorbing apparatus (30) utilizing, absent further limitation, a shackle (note Figure 2), the shackle comprising three screws and each screw carrying a sleeve (note Figure 2). Linden teaches that the shock absorbing arrangement diminished the forces that are imparted on the user during exercise, thereby reducing the potential for injury (column 1, lines 39-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a shackle as taught by Linden in order to absorb shock and diminish the reaction forces imparted to the users during exercise, thereby reducing the potential for the user to incur injury.

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Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hinds (US Pat. No. 4,779,867) also teaches a large diameter loop (46) so as to encircle the user's waist, as well as Jacobsen (US Pat. No. 6,726,606) who teaches a comparatively large loop (note Figure 10) in order to engage the user's feet. Also note the additional references provided on the list of references cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cary O'Connor can be reached on 571-272-4838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL 
March 26th, 2007


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